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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,606	03/17/2004	David M. Ziemann	14846-54	8921

28221 7590 03/09/2007
PATENT DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

EXAMINER

LEWIS, CHERYL RENE A

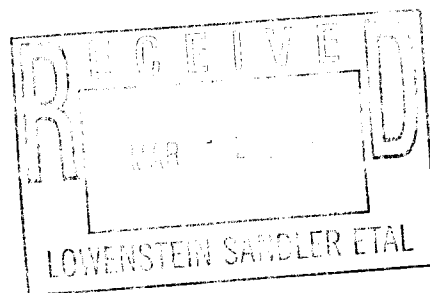
ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	03/09/2007 * 4/9/07	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/802,606

Examiner

Cheryl Lewis

Applicant(s)

ZIEMANN ET AL.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 08 December 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 5 Other: The amendment filed on December 8, 2006 is not legible to read because of dark shading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

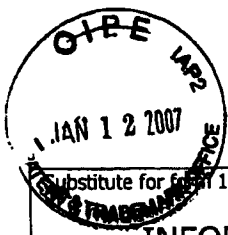
(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis
Patent Examiner
February 27, 2007.



PTO/SB/08a (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(USE AS MANY SHEETS AS NECESSARY)

Complete if Known

Application Number	10/802,606
Filing Date	March 17, 2004
First Named Inventor	Ziemann et al.
Art Unit	2167
Examiner Name	Cheryl Renea Lewis
Attorney Docket Number	14846-54

Sheet 1 Of 4


U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
CL		6266683	07/24/2001	Yehuda et al.	
		6557039	04/29/2003	Leong et al.	
		5313616	05/17/1994	Cline et al.	
		5835770	11/10/1998	Shum et al.	
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(USE AS MANY SHEETS AS NECESSARY)</i>				Application Number	10/802,606
				Filing Date	March 17, 2004
				First Named Inventor	Ziemann et al.
				Art Unit	2167
				Examiner Name	Cheryl Renea Lewis
Sheet	2	Of	4	Attorney Docket Number	14846-54

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
CL		6477540	11/05/2002	Singh et al.	
		6490581	12/03/2002	Neshatfar et al.	
		6502104	12/31/2002	Fung et al.	
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				Application Number	10/802,606
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CL 		2002/0178439	11/28/2002	Rich et al.	
		2003/0046313	03/06/2003	Leung et al.	
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	5471613	11/28/1995	Banning et al.		
FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
CL		95/03586	02/02/1995	Henninger et al.	
CL		96/34350	10/31/1996	Althoff et al.	
CL		02/046980	06/13/2002	Lichtenberg et al.	
Examiner Signature	/Cheryl Lewis/			Date Considered	03/01/2007

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NON PATENT LITERATURE DOCUMENTS			
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CL		DENG ET AL.; A PROBABILISTIC APPROACH TO FAULT DIAGNOSIS IN LINEAR LIGHTWAVE NETWORKS, DEPARTMENT OF ELECTRICAL ENGINEERING, 05/1992; PP. 1-22	
		DEUTSCH ET AL., STORING SEMISTRUCTURED DATA WITH STORED, PROCEEDINGS OF THE 1999 ACM SIGMOD INTERNATIONAL CONFERENCE ON MANAGEMENT OF DATA, ACM, 1999, PAGES 431-442	
		DUGGAN; 2.40 GENERAL - REVIEWS AND ABSTRACTS, SPI DATABASE OF SOFTWARE TECHNOLOGIES, PG. 1-5, 02/01/1974	
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		JAGADISH ET AL., TAX: A TREE ALGEBRA FOR XML, SPRINGER-VERIAG, 202, PAGES 149-164	
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		MOSER; TRANSACTIONS IN A DISTRIBUTED OBJECT ENVIRONMENT, DEPARTMENT OF ELECTRICAL AND COMPUTER ENGINEERING, 06/19/2005	
		QUANTITATIVE MONITORING OF SOFTWARE DEVELOPMENT BY TIME-BASED AND INTERCHECKPOINT MONITORING, SOFTWARE ENGINEERING JOURNAL, VOL. 5, ISS. 1, ABSTRACT, JAN-90	
		SAMMET; BEGINNING OF 4.6 SOFTWARE EVALUATION, TESTS AND MEASUREMENTS AND RMF I/O TIME VALIDATION, ASSOCIATION OF COMPUTING MACHINERY, PG. 519	
		STROM ET AL.; GRYPHON: AN INFORMATION FLOW BASED APPROACH TO MESSAGE BROKERING, INTERNATIONAL SYMPOSIUM ON SOFTWARE RELIABILITY, 06/20/2005	

Examiner Signature	/Cheryl Lewis/	Date Considered	03/01/2007
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